REMARKS

The Office Action mailed December 11, 2008 has been reviewed and carefully considered. No new matter has been added.

By this Office Action, claims 1, 7, 22, and 23 have been amended, claims 21 and 24-29 have been cancelled, and claims 30-34 have been added. Thus, claims 1-9, 20, 22, 23, and 30-34 are pending.

The IDS page 2 entry in question and not considered by the Examiner was a European Search Report that simply listed the references submitted on page 1 of the IDS.

Section 102(e) Rejection

Claims 1-9 and 20-29 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,658,499 B1 to Day, et al. (hereinafter "Day").

It is to be noted that Claims 1, 7 and 30 are the pending independent claims in the case.

As noted above, Claims 1, 7, 22, and 23 have been amended. Support for the amendments can be found in Applicant's specification.

Day addresses how to interconnect an ADSL modem to a USB bus. It discloses a circuitry means in column 8, lines 11-17, that optimizes the USB isochronous bandwidth according to the digital subscriber line (DSL) rate (see, e.g., Figure 6 and column 13, lines 57 and column 14, line 14 indicate that the USB isochronous bandwidth is optimized to the DSL rate).

This is in sharp contrast to the present invention which utilizes two algorithms for establishing a data transfer mode. The first algorithm, an aggressive algorithm, is summarized in paragraph 51 of the specification. The second algorithm, a friendly algorithm, is summarized in paragraph 68 of the specification. These algorithms select between bulk and isochronous transfer modes depending on the bandwidth required and are not anticipated by Day. Day predominantly employs isochronous USB transfer modes, and, as indicated in column 8, lines 5-10, the bulk transfer mode is used only if the isochronous transfer mode is not available. Whereas in the present invention, bulk and isochronous modes can be selected independent of the other's availability status.

Independent claims 1, 7 and 30 have been amended/added to more particularly point out the present invention, and its differentiating features. Claims 1 and 7 are augmented based on the aggressive algorithm and new claim 30 is based on the friendly algorithm. The new and amended independent claims (and their subsequent dependent claims) are not anticipated by Day

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(namely, Day does not disclose the data transfer mode selections). Furthermore, Day does <u>not</u>
disclose that selections are performed based on a non-zero threshold even if isochronous mode is
available as found in the present claims. Additionally, previously submitted references US
Patent No. 6,021,129 and 6 590,897 also do not disclose any selection of bulk or isochronous
modes as found in the present claims.

The applicant respectfully submits, in view of the above arguments, that all points made by
the Examiner have been addressed and that the rejections should be withdrawn. Thus,
reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set
forth in the Office Action of December 11, 2008 be withdrawn, that pending claims 1-9, 20, 22, 23,
and 30-34 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

No fee is believed due with regard to the filing of this amendment. However, if a fee is
due, please charge Deposit Account No. 07-0832.

Respectfully submitted,

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